

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JP MORGAN CHASE BANK, N.A.

Plaintiff,

v.

CYNTHIA ROBERTS,

Defendant.

AND RELATED CROSS-ACTION

Case No.: C 09-1855 PVT

**ORDER CONTINUING CASE
MANAGEMENT CONFERENCE; AND**

**ORDER DIRECTING CYNTHIA
ROBERTS TO COMPLY WITH THIS
COURT'S PRIOR ORDER**

On April 29, 2009, "Defendant" Cynthia Roberts filed a notice of removal of California Superior Court in and for the county of Santa Cruz, Case No. CV 162767. Defendant Roberts failed, however, to file a copy of the state court pleadings, as required under 28 U.S.C. section 1446(a).

On June 10, 2009, this court consolidated this case with *Roberts v. Washington Mutual Bank, FA et al.*, Northern District of California Case No. C09-1879 HRL. The court directed that all future filings shall be filed in Case No. C09-1855 PVT.

On September 21, 2009, "Defendant" JP Morgan Chase Bank, N.A. ("JP Morgan") filed a motion to dismiss (erroneously filing it in the court's electronic file for Case No. C09-1879, rather than Case No. C09-1855).

On October 14, 2009, JP Morgan filed a request for telephonic appearance at the October 20,

1 2009 Case Management Conference, or in the alternative, to continue the Case Management
2 Conference to be heard along with its motion to dismiss. Also on October 14, 2009, JP Morgan filed
3 a Case Management Conference Statement in which it indicated that counsel for "Plaintiff" Cynthia
4 Roberts had failed to respond to requests to coordinate a joint Case Management Conference
5 statement. Cynthia Roberts failed to file any Case Management Conference statement. Based on JP
6 Morgan's request, and the file herein, On October 16, 2009, this court issued an order continuing the
7 Case Management Conference to October 27, 2009 and directing Cynthia Roberts to file, no later
8 than October 21, 2009, a Case Management Conference statement and also a copy of the state court
9 complaint she referenced in her Notice of Removal (docket no. 1 in Case No. C09-1855 PVT).
10 Cynthia Roberts has failed to file either document. Therefore,

11 IT IS HEREBY ORDERED that both the Case Management Conference and the hearing on
12 JP Morgan's motion to dismiss are CONTINUED to 10:00 a.m. on December 1, 2009.

13 IT IS FURTHER ORDERED that, no later than November 3, 2009, Cynthia Roberts shall
14 comply with this court's prior order by filing both a Case Management Conference statement and
15 also a copy of the state court complaint she referenced in her Notice of Removal (docket no. 1 in
16 Case No. C09-1855 PVT). Failure to do so will result in an order to show cause why this action
17 should not be dismissed for failure to prosecute and failure to obey court orders. *See*
18 FED.R.CIV.PRO. 41(b).

19 Dated: 10/23/09

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21 PATRICIA V. TRUMBULL
22 United States Magistrate Judge
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